

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, FORT WAYNE DIVISION

Clark v. Rosenthal

Clark · No. 1:26-CV-202-HAB-ALT · Decided May 6, 2026

SUMMARY

The United States District Court for the Northern District of Indiana denied Lucy Clark’s motion to proceed in forma pauperis and dismissed her complaint with prejudice. The court held that the complaint’s bare allegations of due process violations and conspiracy failed to state a plausible claim and did not establish personal jurisdiction over the defendants. The court also found amendment would be futile in light of the complaint’s deficiencies and Clark’s history of similar filings.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Fort Wayne Division
WRITING FOR THE COURT	Holly A. Brady
JURISDICTION	United States District Court for the Northern District of Indiana, Fort Wayne Division
DECIDED	May 6, 2026
DOCKET	1:26-CV-202-HAB-ALT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint and moved to proceed in forma pauperis. The district court denied in forma pauperis status and dismissed the complaint with prejudice under 28 U.S.C. § 1915(e)(2) (B).
STANDARD OF REVIEW	The court liberally construed the pro se complaint and applied the pleading standard requiring enough factual matter to state a claim that is plausible on its face. Under 28 U.S.C. § 1915(e)(2)(B), dismissal is mandatory when an action is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unpublished district court opinion; precedential status not stated
PARTIES	Lucy Clark v. Michael Rosenthal, Kevin McClanahan

TOPICS

motions to dismiss

personal jurisdiction

due process

fourteenth amendment

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Clark financially qualified to proceed in forma pauperis under 28 U.S.C. § 1915.
2. Whether the complaint stated a plausible due-process or conspiracy claim.
3. Whether the complaint established a basis for personal jurisdiction over the defendants in Indiana.
4. Whether dismissal with prejudice was appropriate because amendment would be futile.

HOLDINGS

1. Clark's financial affidavit showed that she financially qualified to proceed in forma pauperis, but that qualification did not require the court to permit the action to proceed when the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B).
2. The complaint failed to state a plausible claim because it offered only bare assertions that due process was violated and that the defendants conspired, without factual allegations explaining the alleged violation or conspiracy.
3. The complaint failed to establish personal jurisdiction over the defendants because it alleged no facts showing that either defendant was from Indiana or that any relevant events occurred there.
4. Dismissal with prejudice was appropriate because the complaint was meritless and frivolous and amendment would be futile.

KEY QUOTATIONS

“noting that a complaint must contain “enough facts to state a claim to relief that is plausible on its face””
(at 2)

FACTUAL BACKGROUND

Clark alleged only that McClanahan violated due process and conspired with Rosenthal, without identifying whose rights were violated, what conduct constituted the conspiracy, or providing supporting facts. She listed an address in Wyoming but sent the complaint from New York, and alleged no facts showing that either defendant was connected to Indiana or that any relevant events occurred there. Her affidavit reported \$95 in a bank account, \$900 in monthly income, and \$850 in monthly housing and utility expenses.

PROCEDURAL HISTORY

Clark filed a complaint alleging a due-process violation and a conspiracy between the defendants, together with a motion to proceed in forma pauperis. The court found that her financial affidavit appeared to satisfy the poverty threshold but concluded that the complaint was frivolous, failed to state a plausible claim, and did not

establish personal jurisdiction in Indiana. The court denied the in forma pauperis motion and dismissed the action with prejudice, finding amendment futile.

DISPOSITION

dismissed

CASES CITED

- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Merritte v. Templeton, 493 F. App'x 782, 784 (7th Cir. 2012)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind., 786 F.3d 510, 519-20 (7th Cir. 2015)
- Clark v. Rosenthal et al., 1:26-cv-1362-JMB-RSK (W.D. Mich. Apr. 27, 2026)
- Clark v. Rosenthal et al., 8:26-cv-1655-TDC (D. Md. Apr. 27, 2026)
- Clark v. Rosenthal et al., 1:26-cv-852-SEB-MKK (S.D. Ind. Apr. 27, 2026)
- Clark v. Rosenthal et al., 1:26-cv-1877-RTG (D. Colo. Apr. 27, 2026)

OPINION

Rosenthal

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

FORT WAYNE DIVISION

LUCY CLARK,

Plaintiff,

v. CASE NO. 1:26-CV-202-HAB-ALT

MICHAEL ROSENTHAL, KEVIN

MCCLANAHAN,

Defendants.

OPINION AND ORDER

Pro se Plaintiff Lucy Clark (“Clark”) filed a complaint and seeks leave to proceed in forma pauperis. (ECF 1, 2). Clark, who listed her address as being in Wyoming but sent the complaint from New York, alleges Defendant Kevin McClanahan “violated due process” and that he conspired with Defendant Michael Rosenthal. (ECF 1, 1-1). Her complaint does not specify whose due process rights were violated or how those rights were violated. Nor does she explain what McClanahan and Rosenthal conspired to do. But the Court need not look far to identify this filing. A PACER search reveals that as of the time of writing, “Clark” has bombarded more than a dozen different federal courts across the country—including this one—with the same or a similar devoid-

of-fact complaint.¹ Under 28 U.S.C. § 1915, the Court “may authorize the commencement [of this action] without pre-payment of fees [if] the person is unable to pay such fees . . .” A person is unable to pay the filing fee if “because of his poverty [doing so would result in the inability] to provide 1 See, e.g., *Clark v. Rosenthal et al*, 1:26-cv-1362-JMB-RSK (W.D. Mich. Apr. 27, 2026); *Clark v. Rosenthal et al*, 8:26-cv-1655-TDC (D. Md. Apr. 27, 2026); *Clark v. Rosenthal et al*, 1:26-cv-852-SEB-MKK (S.D. Ind. Apr. 27, 2026); *Clark v. Rosenthal et al*, 1:26-cv-1877-RTG (D. Colo. Apr. 27, 2026). himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (quotation marks omitted). In a Chapter 7 Bankruptcy case, the filing fee may be waived “if the court determines that such individual has income less than 150 percent of the income official poverty line. . .” 28 U.S.C. § 1930(f)(1).² This is not a Bankruptcy case, but the judicial discretion afforded by 28 U.S.C. § 1915 permits application of the same threshold. See *Merritte v. Templeton*, 493 F. App’x 782, 784 (7th Cir. 2012) (“Courts have wide discretion to decide whether a litigant is impoverished.”). The Poverty Line is set annually by the United States Department of Health and Human Services. 42 U.S.C. § 9902. But “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid,” the Court must dismiss the case if it determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). Clark’s financial affidavit states she has \$95 in her bank account, makes \$900 per month in income, and spends \$850 per month on housing and utilities. (ECF 2). This would mean she financially qualifies to proceed in forma pauperis. But that is of no moment here because reviewing Clark’s allegations liberally as the Court must do, her complaint must be dismissed. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (providing that a pro se complaint “must be held to less stringent standards than formal pleadings drafted by lawyers . . .”). Clark asserts nothing that supports a basis for the Court to exercise jurisdiction other than a violation of fourteenth amendment rights. (ECF 1). She has also provided no factual basis to support her legal claim. Clark just makes the bare-bones assertion that due process was violated and two people conspired. (*Id.*). That is not enough. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 2 See <https://www.uscourts.gov/sites/default/files/document/poverty-guidelines.pdf> (150% Poverty Guideline table).

(2007) (noting that a complaint must contain “enough facts to state a claim to relief that is plausible

on its face”). And nothing in the complaint establishes who any of the Defendants are, or how they would be subject to personal jurisdiction in Indiana. No facts suggest that any defendant is from the state, and no events have been described that occurred in the state. Given these glaring deficiencies and Clark’s track record of frivolous filings, the Court finds the complaint here meritless and frivolous. Amendment would thus be futile. *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 519–20 (7th Cir. 2015). For these reasons, the Court:

(1) DENIES Clark’s Motion to Proceed in Forma Pauperis (ECF 2); and

(2) DISMISSES this case WITH PREJUDICE.
SO ORDERED on May 6, 2026. s/ Holly A. Brady
CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT

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